



Disproportionality and Disparity in Juvenile Sentencing Fiscal Year 2005

Disproportionality

“Disproportionality” in juvenile sentencing is defined as the degree to which the demographic composition of juvenile offenders differs from that of the general at risk juvenile population, youths 10 years old and older (Figure 1, 2).

Figure 1: State Juvenile Population, 2004

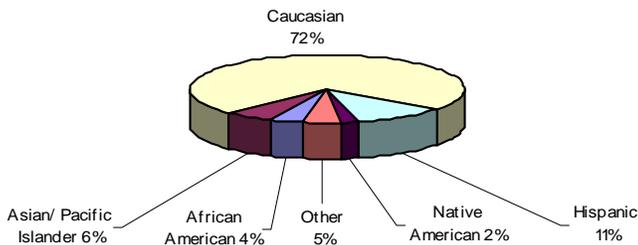
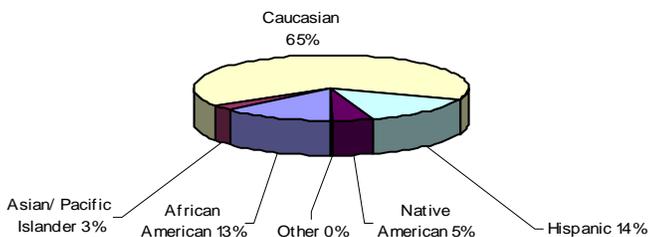


Figure 2: Juvenile Dispositions, FY 2005



Over-representation may arise in many stages of the juvenile justice system. As such, this report summarizes but does not investigate the causes of disproportionality in sentencing. For the purposes of this report, disproportionality is measured by a ratio, the percentage of a group in an event such as sentencing, relative to the percentage of that group in the population.

Sentencing Ratio Calculation

$$\text{Ratio} = \frac{\% \text{ racial group in sentencing}}{\% \text{ racial group in the population}}$$

If the ratio is below 1 a group is under-represented, over-represented if above 1, and in proportion to the population if the ratio equals 1.

During fiscal year 2005, Washington courts entered 13,127 juvenile dispositions¹. Approximately 78% of the offenders were male and 36% of the dispositions were for minorities (Table 1)².

Table 1: Demographics³

	Juvenile Dispositions	% of Juvenile Dispositions	Juvenile Population	% of Juvenile Population	Ratio
Gender					
Female	2837	22.34%	346001	48.69%	0.46
Male	9860	77.66%	364549	51.31%	1.51
Race/Ethnicity					
African American	1669	13.14%	27671	3.89%	3.38
Asian/Pacific Islander	378	2.98%	43865	6.17%	0.48
Caucasian	8178	64.41%	513491	72.27%	0.89
Hispanic	1824	14.37%	79450	11.18%	1.28
Native American	620	4.88%	13875	1.95%	2.50

Excludes 458 sentences in which race/ethnicity were not provided.

Girls accounted for approximately 49% of the juvenile population but only 22% of dispositions, a ratio of 0.46. This compares to a ratio of 1.51 for boys. African Americans comprise 3.89% of the juvenile population in Washington but received 13.14% of all juvenile dispositions, and were the most over-represented racial group with a 3.38 ratio. Native Americans made up 1.95% of the population and were 2.5 times over-represented in juvenile sentencing. Asian/Pacific

¹ Juveniles adjudicated for criminal offenses receive a disposition rather than a sentence. The term disposition is used interchangeably with “sentence” in this report.

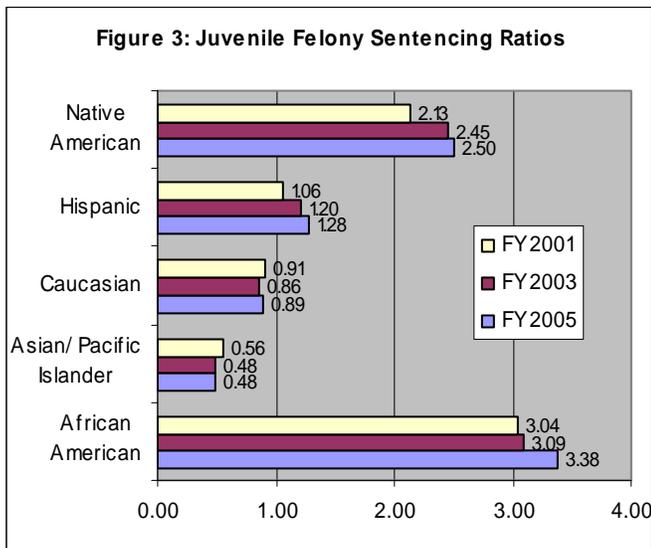
² Race/Ethnicity was not provided in 458 Juvenile Dispositions.

³ Although the United States Census Bureau does not include Hispanic in its list of “races,” due to the relatively large segment of Washington’s population identified as “Hispanic” and in the interest of clarifying disproportional issues, persons of Hispanic ethnicity have been placed in this group regardless of race.

Islanders account for over 6% of the juvenile population but had the lowest ratio, 0.48. Caucasians, the largest segment of the population, 72.27%, accounted for 64.41% of all juvenile dispositions and had a 0.89 ratio.

Trends in Disproportionality

In Fiscal Year 2001 and 2003 African and Native Americans were the most over-represented groups in juvenile sentencing. This trend continued in 2005 (Figure 3). Asian/Pacific Islanders were under-represented during this same period. Caucasian youth received dispositions approximately in proportion to their numbers in the general population. The most significant change in representation during the past four years was the increases in over-representation in juvenile sentencing for Hispanic, African and Native American youth. The representation of Asian/Pacific Island youth continued at the lowest rate.

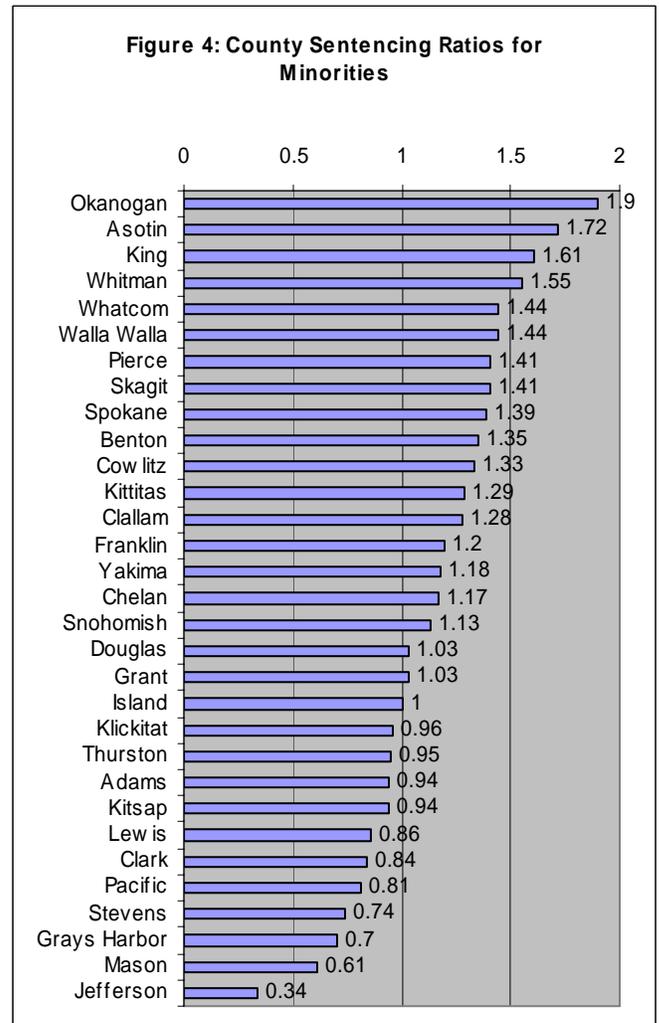


Geographic Disproportionality

Statewide data is useful to reveal aggregate trends in juvenile sentencing. Due to variations in the racial and ethnic composition of a population from one geographic area to another, localized observations may better represent what is happening in a particular region. Of 31 counties reviewed, 19 were found to have a sentencing ratio for all minorities greater than 1. Twelve counties had ratios less than or equal to 1 (Figure 4)⁴. Whatcom, Whitman, King, Asotin and Okanogan counties reported the highest ratios of over-representation of minority youth. Pacific, Stevens, Grays Harbor, Mason and

⁴ Small numbers will produce unstable ratios. Counties with less than 30 juvenile sentences, including Columbia, Ferry, Garfield, Lincoln, Pend Oreille, San Juan, Skamania and Wahkiakum are excluded.

Jefferson counties reported the lowest ratios of under-representation of minority youth in sentencing.



Disparity⁵

“Disparity” in sentencing is defined as differing treatment of offenders with the same current offense and criminal history. Juveniles who commit criminal offenses are subject to standard dispositions according to a sentencing grid or to a variety of sentencing alternatives. Standard ranges limit but do not eliminate the possibility of disparate treatment. Disparity in juvenile sentencing can arise in the decision of sanctions, placement within the standard range disposition, alternative sentencing rates and decision to decline youth to adult court.

⁵ This report summarizes disposition data and the descriptive nature only serves a limited purpose as an indicator that disparity may exist. As such, it should be noted that other contributing factors should be examined. The SGC database does not contain information covering all eligibility criteria for alternatives.

Type of Placement

In approximately 57% of juvenile cases in fiscal year 2005, the court imposed a term of confinement in county detention facilities. Thirty-one percent resulted in community sanctions rather than confinement, while 8% resulted in remand to the Juvenile Rehabilitation Administration (JRA), 3% to Work Crews and 2% involved electronic home monitoring. In most instances boys received longer terms than girls (Table 2).

Table 2: Type of Placement and Terms

Placement	Race/Ethnicity	Total	Percent	Gender			
				Male		Female	
				Average Term (days)			
County Detention	African American	873	12.2%	18.1	12.5		
	Asian	196	2.7%	18.2	13.0		
	Caucasian	4569	63.9%	15.1	13.4		
	Hispanic	1101	15.4%	15.7	12.1		
	Native American	413	5.8%	15.6	14.6		
Electronic Home Monitoring	African American	53	22.3%	19.0	21.6		
	Asian	22	9.2%	15.7	15.0		
	Caucasian	106	44.5%	16.5	17.3		
	Hispanic	47	19.7%	13.6	7.0		
	Native American	10	4.2%	20.0	12.0		
Work Crew	African American	32	8.8%	6.2	3.8		
	Asian	12	3.3%	4.7	2.5		
	Caucasian	214	59.0%	4.0	3.9		
	Hispanic	102	28.1%	4.0	2.9		
	Native American	3	0.8%	3.7	-		
Placement	Race/Ethnicity	Total	Percent	Average Term (weeks)			
				Min	Max	Min	Max
JRA	African American	221	21.1%	27.4	44.3	21.5	35.8
	Asian	36	3.4%	33.2	55.5	16.1	16.1
	Caucasian	624	59.6%	31.2	48.3	38.7	49.9
	Hispanic	120	11.5%	30.3	46.0	18.4	31.8
	Native American	46	4.4%	27.4	44.7	23.3	25.9

Excludes 458 sentences in which race/ethnicity were not provided.

African American and Asian/ Pacific Islanders were sentenced to the longest average terms in county detention. African American youth also received the longest terms of dispositions ordering electronic home monitoring and work crew. African Americans received 13% of all juvenile dispositions and 21% of all remands to JRA.

Of the 3,869 juvenile offenders that receive community sanctions rather than confinement, 995 or 25.7% were girls. Caucasian youth received 69% of all non-

confinement dispositions (Table 3). Asian/ Pacific Islanders and Native Americans each received 3% of all non-confinement dispositions. The rate of non-confinement dispositions from Table 3 for each racial/ethnic group is approximately the same as the proportion of each racial/ethnic group in all juvenile dispositions from Table 1.

Table 3: Non-Confinement Dispositions

Race/Ethnicity	Gender				Both Genders	
	Male		Female		Total	Percent
	Total	Percent	Total	Percent		
African American	334	11.6%	156	15.7%	490	12.7%
Asian	80	2.8%	32	3.2%	112	2.9%
Caucasian	1999	69.6%	666	66.9%	2665	68.9%
Hispanic	373	13.0%	81	8.1%	454	11.7%
Native American	88	3.1%	60	6.0%	148	3.8%

Excludes 137 sentences for which race/ethnicity were not provided.

Disposition Alternatives

During fiscal year 2005, 180 Special Sex Offender Disposition Alternatives (SSODA), and 375 Chemical Dependency Disposition Alternatives (CCDA) were ordered (Table 4). Boys received 78% of CCDA and 97% of SSODA disposition alternatives.

Table 4: Alternatives⁶

Alternative	Gender	Total	Percent	Avg Suspended (Days)	
				Min	Max
CCDA	Male	294	78.4%	73.9	88.2
	Female	81	21.6%	80.5	87.3
SSODA	Male	174	96.7%	163.7	247.4
	Female	6	3.3%	150.0	250.3
Alternative	Race/Ethnicity	Total	Percent	Min	Max
CCDA	African	33	9.2%	59.2	63.8
	Asian	5	1.4%	43.8	43.8
	Caucasian	271	75.3%	68.9	79.6
	Hispanic	38	10.6%	103.5	115.1
	Native American	13	3.6%	96.9	107.0
SSODA	African American	18	10.4%	163.6	237.4
	Asian	3	1.7%	105.0	252.0
	Caucasian	136	78.6%	153.1	230.1
	Hispanic	12	6.9%	126.2	235.4
	Native American	4	2.3%	105.0	252.0

Caucasian youth received 75% of all CCDA disposition alternatives and almost 79% of SSODA Disposition

⁶ Small numbers will produce unstable averages. There were 36 Option-B Suspended Dispositions and 4 Mental Health Dispositions ordered in fiscal year 2005.

alternatives. Hispanics received almost 11% of CCDA dispositions and had the longest average suspended sentences.

Manifest Injustice

Sentencing courts may depart from the standard range by imposing manifest injustice dispositions either above or below the range⁷. In fiscal year 2005 there were 311 aggravated and 90 mitigated dispositions (Table 5).

Table 5: Manifest Injustice Dispositions

Gender	Eligible	Mitigated		Aggravated	
		Received	Percent	Received	Percent
Male	10174	79	0.78%	260	2.56%
Female	2953	11	0.37%	51	1.73%
Race/ Ethnicity	Eligible	Mitigated		Aggravated	
		Received	Percent	Received	Percent
African American	1669	17	1.02%	30	1.80%
Asian	378	3	0.79%	6	1.59%
Caucasian	8178	48	0.59%	218	2.67%
Hispanic	1824	15	0.82%	33	1.81%
Native American	620	2	0.32%	12	1.94%

Excludes 5 sentences in which race/ethnicity were not provided.

Girls received both mitigated and aggravated dispositions at significantly lower rates than boys. African Americans received mitigated dispositions at the highest rate, 1%, while Native Americans received these sentences at the lowest rate, 0.32%. Caucasians received aggravated dispositions at the highest rate, 2.67%, while Asian/ Pacific Islanders received aggravated sentences at the lowest rate, 1.59%.

Juvenile Declines to Adult Court

In some instances adult criminal courts have original jurisdiction over certain violent criminal offences committed by juveniles who are 16 or 17 years old. These offences result in “automatic” declines to adult court. Adult court may assert jurisdiction if under certain other conditions, the juvenile court exercised its discretion to decline jurisdiction. In fiscal year 2005 78 juveniles were automatically declined to adult court and 64 were tried as adults due to “discretionary” declines (Table 6).

⁷ A “Manifest Injustice” will be found when the facts and circumstances of a case or characteristics of the juvenile lead to the conclusion that a disposition order within the standard range would be unfair or unsupportable. The court’s findings of a Manifest Injustice must be supported by clear and convincing evidence.

Table 6: Declines to Adult Court

Gender	Automatic		Discretionary	
	Total	Ratio	Total	Ratio
Female	3	0.09	3	0.11
Male	69	1.87	54	1.85
Race/ Ethnicity	Total	Ratio	Total	Ratio
African American	18	6.45	11	4.98
Asian/ Pacific Islander	8	1.82	4	1.15
Caucasian	36	0.68	33	0.79
Hispanic	6	0.79	6	1.00
Native American	4	2.90	3	2.75

Excludes 13 sentences for which race/ethnicity were not provided.

African Americans were the most disproportionately over-represented racial group for both automatic and discretionary declines, about 6 and 5 times their population proportion, respectively. Native Americans were also disproportionately over-represented. Both Caucasians and Hispanics were near or below proportional representation.

Data

The juvenile disposition data contained in this report comes from Washington Disposition forms sent to the Sentencing Guidelines Commission (SGC) by the courts. Data includes all juvenile dispositions known to the Commission that were imposed between July 1, 2004 and June 30, 2005 (Fiscal Year 2005). Data elements entered into the SGC database and used in this report include race, ethnicity, gender, type of sentence, current offense, offense history, offender score, the imposed confinement term and community supervision term.

Comments or questions may be directed to:

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